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Transactions *of* The Chartered Surveyors' Institution

SESSION 1935-1936.

AT THE ORDINARY GENERAL MEETING

Held at the Chartered Surveyors' Institution, Monday, 9th December, 1935.

Mr. HARRY M. STANLEY (President) in the Chair.

NEW MEMBERS.

The following new members were presented by the PRESIDENT for formal admission to membership under By-law 32, and signed the Register:—

Fellow :

CHANDLER, CHARLES HERBERT

Professional Associates :

ALLEN, GEOFFREY WILLIAM JOHN
ARON, CLAUD WALTER
BARRY, WILLIAM FRANCIS
BEECHER, CHARLES SHARPE
BRADSHAW, JOHN ERIC

Buchanan, Gordon Robert
Burr, Michael Frederick Crooke
Campbell, Ian
Clancy, Thomas
Cooper, George William Reginald
Davenport, Alfred George
Ellson, George Desmond Ryott
Grant, Robert George
Hunt, John Bernard
Hutton-Squire, Robert David
Ingleton, Harold Walter
Jaques, George Harold
Kay, George
Law, Norman Robert
Leaning, John
Marshall, Wilfred Storey
Morling, Grenville Horace
Nicholls, Donald Pritchard
Pratt, Horace Alfred
Raven, William Ernest
Robinson, Harold Hedley
Scears, Robert Lupus
Shepherd, Howard Gilbert
Smith, Alan Bedford
Sweeny, Charles Joseph
Weiler, John Noel Herman
Williams, Hector Llewellyn George
Wood, Herbert Spencer

A DISCUSSION took place on Mr. A. T. V. Robinson's Paper entitled

SOME NOTES ON THE RESTRICTION OF RIBBON DEVELOPMENT ACT, 1935.

Mr. C. Gerald Eve (Past-President), in proposing a vote of thanks to the author, said he wished to express to him the gratitude not only of those members who were present at the meeting that evening but also of the thousands of other members who would read and digest the paper. It was very kind of the author, who was a very busy man, to give up his time to the preparation of the admirable and lucid paper that was now before the meeting. Thanks were also due to the author for the compliment which he, on behalf of the Ministry of Transport, had paid to the Institution in acknowledging the assistance it had attempted to give him and his brother officials in the framing of the Bill which was now the Restriction of Ribbon Development Act. It was not often that the Institution received an acknowledgment even when it had been able to render such a service, and the

members much appreciated the compliment paid to the Institution by the author in his paper.

With regard to paragraph 6 in the paper, in which the author said he did not doubt that the members of the Institution were already familiar with the Act dealt with in the paper, he could assure the author that that was not the case. They were still struggling to make themselves familiar with it, and they were only just on the threshold of endeavouring to understand the Act. He joined with the author—who mentioned the bed of Procrustes—in the hope that the local authorities would not chop up the landowners to make them fit the roads but rather chop up the roads and make them fit the estates.

In paragraph 23 the author very properly preached the doctrine that subsidiary roads should be placed transversely to the main road, instead of parallel with it. He rather understood that, if subsidiary roads were made at right angles to the main road, they must be made of by-law width; whereas, if they were made parallel with the main road, they might be part of the dedicated highway and thus not required to be of by-law width, because they were a portion of a much wider dedicated highway. He would welcome enlightenment from the author.

In paragraph 28 the author said that he did not doubt that questions would be asked as to the use of the term "market "value," but personally he did not think that would be the case. He thought the members of the Institution were quite accustomed to that expression, and believed "market value" to be a fair basis of compensation. He would be very surprised if any member complained of the expression "market value" as a basis of the compensation laid down in the Act. If the various compensation clauses of the Act were interpreted as the plain man would interpret them, and were not unduly twisted and turned by lawyers, he himself thought—and he believed most of the members agreed with him—that those compensation clauses held the balance very fairly between the landowner and the public.

With regard to Section 13 of the Act, which empowered highway authorities compulsorily to acquire land up to 220 yards from the centre of the highway, before a highway authority took that step it must prove that it could not secure the land on reasonable terms by agreement. That was sometimes difficult and tedious. If an owner took some months to quote a price, there was sometimes an unfortunate delay in being able to prove that the land could not be obtained on reasonable terms, before the highway authority could compulsorily acquire it by means of an order confirmed by the Minister of Transport. Having established

that it could not obtain the land on reasonable terms, the highway authority could purchase it compulsorily for three certain purposes, *i.e.*, the construction of a road, the improvement of a road, or the prevention of the erection of buildings which would be detrimental to the view from the road. Fortunately the purpose or purposes for which any special piece of land was to be acquired had to be expressed and particularised in the compulsory order itself, so that the owner, on receipt of a notice to treat and reading that coupled with the order, gleaned at once the purpose or purposes for which the land was to be acquired, and was thus able at once to consider the question of betterment. Section 13 said that, with regard to setting off betterment against the compensation for the acquisition of such land, in determining the compensation " the arbitrator shall have regard to the extent " to which the remaining contiguous lands belonging to the " same person may be benefited." Those of the members who indulged in rating must know what the word " contiguous " meant. It was only the remaining contiguous lands which were the subject of betterment, and they must " belong "—a wide word, not often found in statutes, he believed—to the same person. By what might they be benefited? By the " purpose " for which the land was authorised to be acquired, so that the surveyor acting for the owner looked at the order and found the purpose stated there, and said that that purpose alone could be used for the setting off of betterment.

There was one exception to that. When land was acquired for road widening, whether the road widening was a purpose or merely a result of some other purpose, if the road, when widened, created a road frontage to a person's land, " all " the other lands of that person were the subject of betterment, not only the remaining contiguous lands. That was a little distinction which was sometimes missed. One was apt to become confused between the betterment under Section 13, to which he had been referring, and the betterment under Section 9, which referred to " any " other lands." He warned the members to read Section 13 very carefully in order to find out about betterment, and not to assume that it was the same as Section 9, because it was not.

There was a further little complication under Section 13. Subsection (1) (*b*) said " the arbitrator shall take into account and " embody in his award any undertaking given by the highway " authority as to the use to which the land, or any part thereof, " will be put."

There was, first of all, therefore, the purpose particularised in the compulsory order for which the land was to be acquired, and that was a good guide to one's claim concerning better-

ment, but, after the claim had been made, one might get an undertaking from the highway authority saying " We undertake " that the land which we are buying from you shall be used for " such and such a purpose. The user or purpose set out in the compulsory order could be varied subsequently by consent of the Minister of Transport, but if the highway authority gave an undertaking quite outside the compulsory order and outside the notice to treat, as to user, in limitation of compensation, he did not know whether that undertaking could be varied by Ministerial order. Personally he did not think it could be so varied. The undertaking would be embodied in the conveyance, and he thought it would be binding, and that, possibly, even Section 84 of the Law of Property Act, 1925, would not apply to it.

The members would be glad to receive guidance as to whether the undertaking given by a highway authority, which was to be taken into account by the arbitrator, was more sacred, in regard to subsequent variation, than the particularised purposes for which the land was acquired, as set out in the compulsory purchase order.

Section 13 (2) empowered a highway authority to buy land outside the sacred 220 yards in the " neighbourhood " of any road. He thought it was a great pity that that was so limited. Very often the land on the hill-top could be seen from the road better than the land on the foothills close to the road, and he thought it was a thousand pities that the highway authority was debarred from buying compulsorily property which was not in the neighbourhood of a road.

Again, there might be, say, five or six landlords who agreed in the interests of the country generally that their land should not be built upon, and there might be one little man in the middle who could not afford to be so patriotic. The big landlords might say " If you can arrange with the little man in the middle, we " will dedicate our own land against building, without compen- " sation." Under the Act, as the piece of land of the little owner which was going to be developed was not in the neighbourhood of a road, the authorities were powerless to acquire it.

There was one other point to which he wished to refer, namely, temporary access to highways. In practice he had no doubt it would be found that the undertakings which the highway authorities would give would be temporary undertakings. Supposing a man had half a mile of frontage and wanted an access from the road into it and at each end of his half-mile of frontage there was a highway or side-road, eventually a subsidiary road might be made all along his frontage to reach one

or both of the side-roads ; but it might be too expensive at once to make half a mile of subsidiary road. If the first few houses were built with a temporary access from them into the main road, ceasing when the whole subsidiary road was made, so as to enable the traffic to get on to the highways at each side, that avoided a great deal of compensation.

Mr. Geoffrey L. Vigers (Member of Council) said he had great pleasure in seconding the vote of thanks because it gave him an opportunity of personally thanking the author for his courtesy and consideration on two occasions when he had been to the Ministry to see him. On the first occasion he had been surrounded by the reflected glory of Mr. Gerald Eve and Major Killick, but on the second occasion he and Mr. Evans had been hand in hand to the Ministry of Transport to see Mr. Robinson, and he wished to thank him most sincerely for the very cordial way in which he had received him, and for the very careful consideration he had given to the suggestions that he, as chairman of the Parliamentary Committee, had put forward on behalf of the Institution.

The Institution was always ready and willing to give its assistance to the Government Departments concerned with the framing of Bills on subjects dealt with by its members. It was to him a matter of great wonder how the permanent officials ever kept pace with the amendments and alterations which were made in Bills during their progress through Parliament. When he saw the form of Bill which the author had in his hand at the interview to which he had just referred, which had hundreds of little bits of paper stuck on to it containing all sorts of people's curious and peculiar ideas, he marvelled how the Bill was ever got into a form which anyone could, more or less, understand.

The Institution had never been concerned with questions of policy. It might be concerned with questions of principle, and it would express its views upon them, but when it received a Bill in draft, whatever its views might be on principle, it would not deal with matters of policy. It was always the desire of the Institution to make such a Bill, if it became an Act of Parliament, something which was workable and something which the world at large would at least understand.

In his opinion the success of the Act dealt with in the paper would depend entirely on the manner in which it was operated. In order to make it a success, the co-operation of landowners and their advisers was necessary, and there must be a policy of

" give and take " on both sides ; there must not be " give " always on one side and " take " always on the other. In his own short experience of the operation of the Act he was sorry to say that he had found in certain instances a tendency on the part of some authorities to see whether the town planning authority and the highway authority together could make the best of both worlds, and get from the landowner, under town planning, something which they could only get from him under ribbon development. For instance, with regard to service roads, as he knew them at the moment they were parallel service roads, and it had been his experience that town planning authorities were endeavouring to impose upon landowners a condition of a service road which was a requirement of the highway authority, and the local authority had a very strong weapon in its hands, *i.e.*, delay. Surveyors had had on occasion to agree to things which under normal circumstances would have been subjects of some contribution or compensation from the highway authority, but they had had to concur in them simply because they could not wait while the planning authority refused permission to develop. They then had to go to the Ministry on that refusal, and the highway authority refused access unless it was provided with a service road. The delay meant that one sometimes had to acquiesce in something which one did not think should be put upon one. Therefore he thought there should be co-operation and " give and take " on both sides. He did not think anyone present would disagree with the provision in the Act which made it necessary for the landowner to prove and give evidence of the fact that he had suffered some loss before he could obtain compensation. He believed he was right in saying that, until the highway authorities had in fact made a proper and conclusive survey of their roads, they could not properly apply the Act, and that, for the time being at any rate, the planning authority must proceed under normal town planning, and could not endeavour to impose on its town planning schemes the requirements or future requirements, or anticipated future requirements, of highway authorities until they had made a proper survey of their highway requirements.

The only point that he regretted with regard to the Act was that it did not empower highway authorities to acquire compulsorily land which would enable them to give alternative means of access to land which might be damaged by the restrictions imposed under the Act. All those members who had had from time to time to advise public authorities and others on the subject of compensation knew that they could very often reduce compensation to a very small payment if they had something else to

offer in exchange, and if the highway authorities had had powers given to them to acquire land in order to enable them to give access to land at another point, he believed it would have made a great deal of difference in the compensation which might be payable. He agreed that compensation would not be payable in every and all events.

He thought the author had presented a very excellent and instructive paper on an Act of Parliament which was going to have a far-reaching effect on the land and its development.

Mr. REGINALD DAVEY, B.SC.(LOND.) (Professional Associate), referred to the effect of the Act upon the value of building and accommodation land. A valuer when valuing restricted building land would have to exercise caution. If the purpose of the valuation was purchase as an investment, the difficulty did not arise, as the investor would be willing to wait for the land to become ripe for development. He could then claim compensation if the highway authority interfered.

If the purpose of the valuation was mortgage, whether or not by trustees, the position was very different. The main consideration then was realisability at short notice. Should the mortgagee desire to sell the land before it was ripe, then he would not be entitled to compensation if the price realised was reduced by reason of the restrictions.

Mr. Davey also made the point that the highway authority were powerless under the Act to agree to a general unspecified development of an area of land. An owner wishing to sell land for building had perforce to do so subject to the restrictions. If he obtained a low price by reason thereof he would not be entitled to compensation, as, after the sale, the purchaser was the only person who could claim. The way to overcome that difficulty was for the vendor to obtain from the prospective purchaser details of his proposed development, to apply to the highway authority for consent thereto, and subsequently to claim compensation should the proposals not be agreed to. That must have been done before the vendor sold the land to the purchaser.

Mr. G. LANGLEY TAYLOR (Fellow) said he was sure all the members present would agree that they were very fortunate in that the author, who had been so largely responsible for the drafting of the Bill, had been able and willing to present such an enlightening paper upon the Act.

He thought all the members could agree that the Act was very far-reaching, and one not at all easy to interpret.

The author described the Act as having "far-reaching "possibilities," and, from the point of view of the members, it seemed to him the main point they had to consider was that those possibilities, if they were realised, should in fact enhance the value of their clients' properties.

Referring first of all to the question of building lines, he thought it would be fatal to waive the practice of laying down building lines, because if that were done, when owners came to develop their land they might find themselves in a very unenviable position, not knowing what was their building frontage. He would like to add, however, that building lines did not solve the planning problem.

It was to him a matter of particular interest that the author, in a paper dealing with the essentials of the Act, said that authorities should take as their basic reason for exercising control "regard to the need for preserving the amenities of the locality, "and for securing well-planned development."

With regard to the question of standard widths, he thought there need be no objection to highways being dealt with by that method provided that two essential points were considered. The first was one which he thought was sometimes lost sight of, *i.e.*, the finishing of the boundaries of the roads. Live hedges should be replaced, and the planting of suitable species of trees in suitable places might be encouraged. Groups, he submitted, were generally preferable to lines, and trees that belonged to the particular district should be used. He was glad to say that highway authorities to-day were more and more considering the question of planting on roadsides.

The other point of importance was that the laying down of a standard width should in fact be only a part of a much larger planning programme.

He could not agree with the author that the control of access was a means of preventing ribbon building. It might check it and it might make it more expensive, but there was the danger that it might simply turn the houses round the other way, so that one would see the backs and have the clutter of the back gardens against the road instead of the present unending monotony of their ugly faces.

The author referred to Section 2 of the Act as being planned to ensure good development. He felt it was rather a pity that there was not in the Act some method of more direct financial assistance from the Treasury to encourage highway authorities to use Section 2 and also Section 13. He would like to ask the author whether it was possible by any means to obtain assistance

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from the Road Fund for such a large belt as 220 feet, if Section 1 was in fact brought into operation as well.

With regard to Section 1, he thought there was a very great danger in the question of the extension of existing buildings. He agreed with the author that a reasonable compromise often resulted from a public inquiry, but he suggested to members of the Institution that, as the Act was a traffic Act more than a planning Act, they would have to bestir themselves very early in the morning on the day of the inquiry.

The author referred in his paper to the question of hurt. Hurt in a traffic sense was very common. Hurt in connection with planning was also much more common than was realised by the general public, and some of the members might consider that the benefit to their clients was a little doubtful. He felt that, in connection with the Act and the problematical damage that might be suffered, they would have to consider large-scale planning, and he would like to make a special plea in that connection for parkways. If, in making their arrangements with the highway authorities, they endeavoured to persuade them to include, as well as dual carriageways, dual cycle tracks, dual footpaths, and dual space for the riders of horses, a dual parkway, he thought, it would have a very beneficial result. Perhaps the author could say whether it was possible to include in the grant to the highway authorities some contribution towards the establishment of, say, a 75-foot parkway on each side of the main roads. If that could not be done at the present moment, was there any hope that future legislation might make that action possible?

He thought most of the members would agree, after careful consideration, that the Act was in fact a useful one, and one which they should do all they could to make the very best use of. His own feeling was that what was ultimately for the good of the community as a whole was also ultimately for the good of landowners as a whole, and, as was the case with the Town and Country Planning Act of 1932, the members should encourage in every way possible the beneficial operation of the Restriction of Ribbon Development Act of 1935.

Modern methods of traffic, with their appalling death roll, would probably need further legislation presently, but, in the meantime, the members might approach the subject-matter of the paper with the idea that sound economic planning was, after all, the best means of preventing ribbon building.

In conclusion he would like to ask one more question. The members were as anxious as was the Ministry of Transport to prevent ribbon building spreading to unclassified roads because a standard width was being laid down for classified roads, and

they were being controlled. Would the members be right if they asked the highway authorities to extend the application of Section 2 to unclassified roads, to safeguard their amenity value. In such cases, as he read the Act, any compensation payable for injurious effect would have to be paid by the highway authority (under Section 2). He understood that the highway authority, to obtain the financial assistance to meet that future claim, must bring into operation Section 1, that was to say, it must also lay down a standard width. He was anxious to know whether, if a standard width was laid down, the highway authority would assume that it must sooner or later—rather sooner than later—widen that road.

His question was: Could the author say whether a standard width could be laid down and the road left alone indefinitely, and the land up to the existing boundaries used for agricultural purposes, without any question or fear of the road being widened until development made that widening essential? When that time arrived, of course the question of compensation would coincide with the development of the road.

He hoped the author would be able to give a definite answer on that point, because some of those present that evening were members of the Council for the Preservation of Rural England, and many of the members of that body were very anxious that the Act should be used, if possible, to safeguard rather charming unclassified roads ; but if Section 1 was brought into operation, and that meant that the road would be widened in two or three years, then the charm would be lost, and there was no point in trying to preserve it under the Act.

He thanked the author very heartily for his very great help in connection with the Act.

Mr. Dudley Aukland (Clerk of the Surrey County Council) (Visitor) thanked the Institution for the honour done to him in inviting him to be its guest on the present occasion when such an interesting paper had been read. The debate also had been most interesting to one who, like himself, was mainly concerned in assisting a local authority in dealing with questions of policy and principle in regard to the extraordinarily important and difficult measures affecting counties, such as Surrey, where development was proceeding at an amazing pace.

Mr. Vigers, in paying his tribute to the author, had suggested that co-operation was a not unimportant part of the scheme of the Act in question, and personally he entirely agreed with that view. Mr. Vigers did not carry his observations so far as he

himself had done when informally discussing with Sir Charles Bressey the co-operation between the highway authority and the town planning authority which the author had stressed. Mr. Vigers apparently assumed from his experience that when that co-operation did take place it was accompanied by nefarious designs on the landowners, but he could assure Mr. Vigers that whatever the difficulties might be—and, admittedly, having regard to what had been said that evening, they were very great—public authorities stood out for a fair and square deal, no more and no less. The difficulty really was to see that all the facts were understood and all the inferences from those facts—many of which had a legal character—were clearly exposed in proper perspective to all concerned. When that was done he could give an assurance that, so far as his authority and all the authorities that he knew were concerned, their object within the ambit of the Act concerned was simply to secure a fair and square deal.

Mr. Vigers had stated that his colleagues in the Institution had not concerned themselves with questions of policy, but, as a matter of fact, it was impossible in these days for those who were concerned in the administration of the Act, such as that dealt with in the paper, not to concern themselves with questions of policy, and Mr. Vigers himself had stated that the task of the members of the Institution could not be satisfactorily tackled unless and until they knew how far highway authorities were going in the direction of bringing in all the classified roads in the country under Section 2. He quite agreed with Mr. Vigers in that ; it was a point which had exercised the minds of his own Committee, and it was a point to which in due course the author and his colleagues would have to direct their attention.

The question raised by the previous speaker as to contributions from Imperial Funds in respect of operations under Section 2 was one of great importance to local authorities when they were called upon to envisage the huge demands on their own rate-payers, and whatever the law might be now, he joined in the hope that had been expressed that favourable consideration might be given to that matter, particularly so far as operations under Section 2 and Section 1 could be regarded as having a similar objective in view.

There was one other matter to which he would like to refer in the presence of Sir Harriss Firth. Members of Sir Harriss's Department and members of the Institution might not be divorced from the consideration of a subject simply because it lent itself to division, and, indeed, was inevitably divided into more than one branch. The subject now under discussion was one in respect of which much gratitude was owing to Sir Harriss Firth, and

he thought it was only fitting and right that he should take the present opportunity of acknowledging that debt in the presence of members of the Institution.

Mr. H. G. Buss (Fellow) said that, from a rural point of view, perhaps the most interesting paragraphs in the paper were paragraphs 22 and 23, in which the author referred to the fact that group development should be encouraged rather than ribbon development. The tendency at present was to construct service roads alongside other roads, and he feared that, when the Act in question was put into practice, the refusal of local authorities to give access would result very largely in service roads being constructed parallel to the main road. In the country people did not like service roads; they looked and were untidy, littered with tin-cans and other rubbish, and were not under effective supervision. They could be regarded as almost hideous in really rural surroundings. Therefore he very heartily welcomed the author's suggestion that landowners should consider whether group development could not be encouraged rather than an improved form of ribbon development. That form of development was much more economical than the development which ran alongside the road, or was carried out by means of parallel service roads, for this reason: one of the chief causes of ribbon development, he thought, had been the expense of constructing roads after the War, but the time had now come when, owing to the cheapening of road construction, it was possible to make transverse roads much more economically. Such development must be more economical, because in constructing a service road one obtained only one frontage, whereas on transverse roads two frontages were produced, and if the planning were properly carried out, the hedges and other natural growths along the roadside could be preserved.

To consider a fairly common case: if an owner had a field (say) 400 feet by 400 feet, what usually happened was that he cut off plots about 175 feet deep, sold them for £3 a foot, and left the back of the field to go for what it was worth. £3 multiplied by 400 was £1,200, and if the 2 acres of back land were sold for £50 an acre, he received £1,300 for his land. If he put his road at right angles he would then produce 800 foot of frontage (with equal depth), which, at £3 a foot, came to £2,400. He had then only to pay for a concrete road, perhaps 20 feet wide with two 5-ft. footpaths, and that, he had been told by a county surveyor, could be constructed to-day for 30*s.* a foot run. The cost therefore came to £600, and, deducting £600 from £2,400, one found that the owner received for his land £1,800 instead of £1,300.

That was assuming that he obtained the same price for the land at right angles, but even if he only got 50s. a foot he would still make more money by that form of development. He might even have sufficient surplus to be able to plant a few trees and make the estate more attractive.

That might sound Utopian, but surveyors who " worked " on such schemes would find often that ribbon development could be avoided if there were proper planning. If they gave their minds seriously to the development of any piece of land, they would realise frequently that there was a much more economical way of dealing with it than taking the line of least resistance and building straight along the road.

Mr. W. R. Brackett (Professional Associate Member of Council) said he was very glad to have an opportunity of thanking the author not only for his paper explaining the Act but for his further paper explaining his paper, and also for giving the members information, which they could not obtain anywhere else, as to the workings of the mind of the Department which would ultimately control the working of the Act in question.

The members were very grateful to the author and hoped that the pious hopes expressed by those who launched the Act would be realised, and that it would in fact succeed in restricting ribbon development. Everything depended upon the way in which the Act was administered. It was a negative and not a positive Act. It was a restrictive Act and not one which encouraged the development of those lands lying between the radii along which development had proceeded for the last ten years. If local authorities set about the matter in the right way, however, he was perfectly certain that not merely would there be bigger and better ribbon development but also there would be that group development which was so greatly desired.

There would, undoubtedly, be great difficulties. None of the members knew the true meaning yet of Section 9, and none of them knew how to deal with cases of difficulty which were bound to occur. There was an estate with which he had been dealing recently which would very shortly be ripe for development but was not so at the moment. It would need roads, but the local authority was about to put a road into it and said " This is a " new road ; we are not going to give you any access." That was a case in which the owner might appear to be falling between two stools and not get any compensation, but he was certain that some amicable settlement would be reached, because his experience was that local authorities were determined to be reasonable.

He was sure all the members present would like to assure the author that, acting on behalf of their clients, they would do their utmost to help in a satisfactory solution of the problems which would crop up, and to encourage rational and proper development.

Mr. Claude W. Brighten (Fellow) said it appeared to him that Section 2 of the Act already applied to all roads of a classified character, and therefore those in urban districts would automatically be included.

As far as rural districts were concerned, the question as to which roads would be included depended upon the policy adopted by the highway authorities. If Section 1 was applied to the rural roads, there would be invisible bands all along those roads, thus preventing any development at all. In rural districts if one got £100 or £150 an acre or 10*s.* or 15*s.* per foot frontage on the present existing roads, one could not really hope to develop the hinterland in block development, because it would probably cost about £150 to £200 per acre to develop it. That seemed to him to be exercising a sterilising influence upon the development of land in the country. One assumed, therefore, that that was what was definitely intended by the Act, and if that did take place, then the wishes of Parliament, and of those who supported the Act, would be safely secured.

He would like to ask the author what would be the relationship of the Act with Section 30 of the Public Health Act, 1925, which in some counties had already been applied broadcast. Would the Restriction of the Ribbon Development Act take the place and wash out the effect of Section 30, or could the two Acts exist together?

An interesting position occurred under Section 9, under which, presumably, the counties in matters of compensation would be represented by the Inland Revenue Valuation Department, and he could imagine the district valuers trying to convince members that, whereas the value of a certain frontage was put by him at £1 a foot frontage (say) five years ago for probate valuation, and their clients had paid death duties on that value, there was now no value attached to that land, particularly when one came to Section 9, Sub-section (4), which said that the compensation should be "a sum equal to the difference between the market "value of the estate or interest when the piece of land is subject "to the restrictions and what would have been the market value "of that estate, or interest if the piece of land had not been so

"subject." District valuers were, of course, the only people who knew that; they had their records and they would be able to give the information when the time came.

What would be the influence in rural districts of ribbon development restriction in connection with country planning. What would be the reaction of landowners and land agents when approached to try to plan country estates? Assuming that the invisible strips to which he had referred sterilised any chance of development, what was the use of trying to agree on planning for the countryside? Would not it be better for the members to leave things as they were and not waste time and money and at the end have nothing to show their clients in a tangible form except vague plans?

He realised only the other day, in reading the Act, that, with regard to the notice of registration, a separate form had to be sent in for each road, so that if one had a large estate it would be necessary to send in a whole batch of forms. One could not simply write and say "I own the estate in this area; will you "please arrange with me for registration?"

There was one thing which would greatly help the administration of the Act, namely, the kind of conscious sense of possession of the countryside and its amenities that was now being shown by a large body of the public to a great extent, owing to the fact that people went into the country more than they did formerly in cars or cycling or walking. If an owner voluntarily agreed to his land being scheduled as agricultural land under the Town and Country Planning Act in perpetuity and not for a specified period, could not something be done to reduce the burden of death duties on the agricultural value of land? He was sure that would prevent the breaking up of agricultural estates, the throwing of the estates on the market and the letting in of the speculative builder on the frontage.

He had much pleasure in supporting the vote of thanks to the author.

The PRESIDENT said that before putting the vote of thanks which had been proposed and seconded he would like to refer to the fact that Mr. Robinson had stepped into a breach, because Lord Justice Scott had agreed to read a paper on the Act, but owing to his elevation to the Bench that had proved to be impossible. Mr. Robinson had most kindly, as he had said, stepped into the breach and had, in consequence, to give up a great deal of his spare time (for he was a very busy man indeed) to the preparation of the paper, which he was sure would be of

great benefit to all the members. He himself would find the paper of special benefit because it dealt with a subject about which he wanted to learn as much as possible, as, he was sure, all the members did, and there was a very great deal in the paper which would be of great value to members in their practice. The thanks of the Institution were due to the author not only for his paper, but for having prepared it so rapidly that it could be printed in the December issue of the *Journal* so that members could have an opportunity of reading and studying it before the meeting that evening. He wished all those present to understand what they owed to the author before he put the vote of thanks to the meeting.

The PRESIDENT then put the vote of thanks, which was carried by acclamation.

Mr. ROBINSON, in reply, thanked the proposer and seconder of the resolution for the very kind remarks they had made about his paper.

He had tried to help in the matters dealt with in his paper, as it was only right that those at the Ministry of Transport should do ; but the members of the Institution would also try to carry out what was fairly definitely the general will of the people of the country as crystallised by Parliament into an Act of Parliament, which was perhaps not very easy for laymen to understand. He would bring to the notice of the members a pamphlet ("RRD. 1") published by His Majesty's Stationery Office at the price of one penny, which was popularly known as the "Child's Guide" to the Act. (See November *Journal,* p. 257.)

With regard to the questions that had been asked, he had not even time to adopt the customary expedient of answering the easy ones and then saying "I think I have now dealt with all "the more important questions." He understood from the President that he would have an opportunity of answering in writing some of the more difficult questions which had been put to him during the course of the discussion that evening.

He thanked the members very sincerely for the way in which they had received his paper.

The proceedings then terminated.

The following written reply has been received from Mr. ROBINSON:—

In connection with paragraph 23 Mr. Eve points out that the service road adjacent to an existing highway may be of less than by-law width; but it will carry houses on one side only, as compared with the two sides of the estate road at right angles to the main road.

As to Section 13 (1), I think that few would welcome drastic exercise of compulsory purchase powers with *no* previous attempt to reach terms; but note the important words "in their "opinion," which did not appear in Section 12 (5) of the Development Act of 1909.

As to Section 13 (1) (*a*) how far do the words "in particular" limit the reference of the later words "other land" to land which forms part of the "remaining contiguous lands," especially in view of the further limitation in the last fifteen words in proviso (*a*)?

The power to vary the "preventing detrimental buildings" purpose of a compulsory purchase order is vested under Section 13 (3) (*c*) in the Minister of Health and not in the Minister of Transport, and (save as specially provided in the case of a short-term letting) requires specific confirmation by Parliament. The new Act does not alter the existing law as to disposal of lands acquired for road improvement which are subsequently found surplus to requirements.

Section 13 (2) uses the words "land in the neighbourhood" and not "contiguous" or "adjacent." It is, moreover, dealing with land which may be *more* than 220 yards from the road; and the purpose is the wide one of the "amenities of the locality." The case of the hilltop was specifically in the minds of those responsible for the drafting of the clause. As the sub-section relates solely to acquisition of land by agreement, it may be doubted whether the Courts will in fact ever be called upon to interpret the word "neighbourhood." Highway authorities may be well advised to take account of the suggestion to grant temporary access as a means of limiting compensation claims.

Mr. Vigers suggests that authorities in the past, by a policy of delay, have at times compelled developers to accept unsatisfactory conditions. I share his hopes that there will be co-operative "give "and take"; it will be recalled that under Section 7 (5) if the authority delays for two months, unconditional consent is deemed to have been given so far as concerns the present Act. I note

with interest that he wishes that Parliament had given to highway authorities greater, and not less, power in regard to compulsory acquisition of land.

The answer to Mr. Davey's point seems to be that, in theory at least, the value of any land as unrestricted should be precisely the same as the sum of its value as restricted plus the compensation payable for restrictions. The more remote the possibility of development, the nearer the approximation of the restricted to the unrestricted value of the land.

I welcome Mr. Langley Taylor's authoritative opinion that the powers of the new Act, wisely used, should enhance, rather than diminish, property values.

Whether or not a live hedge would be held to be a fence within the meaning of Section 4, the Minister would warmly endorse his desire to see an informed policy pursued by highway authorities with regard to roadside tree planting.

The Act gives the Minister no power to make grants towards payments of compensation (as such) under Section 2 of the Act, although he may, under other powers, contribute towards the cost of road improvements which may be taken in satisfaction, in whole or in part, of some claim for compensation in respect of Section 2 restrictions. Grants out of the Road Fund are not limited to expenditure upon the metalled carriageway ; under Section 2 of the Roads Improvement Act, 1925, the " planting, laying out, " maintenance and protection of trees, shrubs, or grass margins in " or besides roads " are declared to form part of the " improve- " ment of roads " towards which the Minister may contribute. The Road Fund, however, could not properly be used to finance parks, pleasure grounds and recreation grounds, which are primarily, if not exclusively, of local importance and unrelated to the interests of through traffic.

The Minister cannot be expected to approve a standard width wholly unrelated to the possible future traffic needs of the road. As an extreme case, consider the lovely lane which is the only means of communication between the outer world and the end of Glen Affric. Is it suggested that the Minister would be justified in agreeing there to a 160-ft. standard width in order that the Road Fund might back the authority's refusal to allow bungalows by the roadside?

It is early yet to answer Mr. Aukland's question as to how far highway authorities mean to protect unclassified roads by Section 2 resolutions. Some of the more agricultural counties have already submitted for confirmation resolutions embracing most of

their unclassified roads. Other authorities have submitted a limited number of individual roads.

I have not checked Mr. Buss's arithmetic, but certainly do not dissent from his general conclusion that sound planning is also sound business.

Mr. Brackett says that in terms the Act is negative rather than positive. That is perhaps inevitable in legislation, but the whole spirit of the Act is constructive ; how far that spirit is realised depends upon wise co-operation between authorities and owners of land.

I am not sure that Mr. Brighten has quite appreciated the points which I try to make in paragraph 7 of my paper, that the Act is designed to secure, within the 220-ft. limit, reasonable control and not total prohibition of development.

Section 30 of the Public Health Act, 1925, is not repealed, and is still available to authorities.

The answer to his valuation point I have already attempted to give in connection with Mr. Davey's remarks.

Is he not overstating the labour involved in registering in relation to the several roads concerned? Have not most large landowners discovered the uses of the rubber stamp?